IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.503/07
Ramji Lal & Ors. Vs. MACT & Ors.

13.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ajay Gupta for petitioners.

Heard learned counsel for the petitioner.

Challenge in this petition is made to the order dated 4.11.2006 by which the application of the claimant for impleading one Phool Chand as the non claimant/respondent in his claim petition has been allowed.

Learned counsel for the petitioner argued that it was in fact not a case of motor accident but a case of accident due to fall from the roof which

has been wrongly given the shape of a motor accident so as to claim the compensation from the petitioners. It has been argued that the application for impleadment has been made after enormous delay of five and a half years and therefore the application was not bona fide.

Having heard the learned counsel for the petitioners, I find whether or not it is a case of motor accident, is a matter which shall be decided by the Motor Accident Claims Tribunal on the basis of evidence and finding on this aspect at this stage by this Court when the main claim petition is still pending before the Tribunal, would not be legally correct. Mere impleadment of the driver of the driver by the Tribunal as a party

respondent to the claim petition as such may not prejudice any of the rights of the petitioners. He can raise all those arguments which he seeks to raise herein at the time of arguments in the main petition. It goes without saying that the Tribunal while passing the final award should give due consideration to the arguments raised before it.

With these observations, the writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-